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Counsel to Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WALTER BEINECKE, III, EAGLIS
ALTERNATIVE INVESTMENTS I, LLC,
GEOFFREY T. FREEMAN, GRAHAM
GUND, HENRY A. JORDAN, JENNIFER C.
McNEIL, J. STUART MOORE, and CARL
NOVOTNY, TRUSTEE of the S&H
NOMINEE TRUST,

Plaintiffs,

-against-

S&H MARKETING, INC. f/k/a S&H
GREENPOINTS, INC., and THE SPERRY
AND HUTCHINSON COMPANY, INC.,

Defendants.

08- Civ. 2483 (GBD)

ELECTRONICALLY FILED

**NOTICE OF MOTION FOR
ABSTENTION AND REMAND**

PLEASE TAKE NOTICE THAT, upon the Memorandum of Law and supporting
declaration and upon all prior proceedings herein, plaintiffs Walter Beinecke, III, Eaglis
Alternative Investments I, LLC, Geoffrey T. Freeman, Graham Gund, Henry A. Jordan, Jennifer

C. McNeil, J. Stuart Moore, and Carl Novotny, Trustee of the S&H Nominee Trust (“Plaintiffs”), by their undersigned counsel, Sullivan & Worcester LLP, will move this Court before the Honorable George B. Daniels, United States District Judge, in Courtroom 630 of the United States Courthouse located at 500 Pearl Street, New York, New York for an Order of remand, or alternatively abstention and subsequent remand, to the Supreme Court of New York for New York County pursuant to 28 U.S.C. Sections 1334, 1447 and 1452.

Pursuant to Local Rule 6.1, opposition papers shall be served within 10 days of service of the moving papers and Plaintiffs’ reply papers shall be served within 5 days after service of the answering papers.

Dated: New York, New York
March 28, 2007

SULLIVAN & WORCESTER LLP

By: /s/ _____
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[PROPOSED] ORDER

WHEREAS, defendants S&H Marketing, Inc. (“S&H”) and The Sperry and Hutchinson Company, Inc. (“Sperry,” together with S&H, the “Defendants”) removed this matter from the Supreme Court of New York for New York County to this Court on March 11, 2008;

WHEREAS, plaintiffs Walter Beinecke, III, Eaglis Alternative Investments I, LLC, Geoffrey T. Freeman, Graham Gund, Henry A. Jordan, Jennifer C. McNeil, J. Stuart Moore, and Carl Novotny, Trustee of the S&H Nominee Trust (“Plaintiffs”) filed their Motion for Abstention and Remand pursuant to 28 U.S.C. Sections 1334, 1447 and 1452 and accompanying Memorandum of Law and supporting declarations (together, the “Motion”) on March 28, 2008;

NOW, upon consideration of Plaintiffs’ Motion and upon all other filings in this action, it is hereby:

ORDERED that Plaintiffs’ Motion is Granted;

ORDERED that this case be remanded to the Supreme Court of the State of New York;

ORDERED that the Clerk of this court is directed to prepare a certified copy of this Order and mail it to the Clerk of the Supreme Court of the State of New York.

Dated: _____

THE HONORABLE GEORGE B. DANIELS
United States District Judge